

Central New York Bankruptcy Bar Association
CM/ECF Seminar for Attorneys and Their Support Staff
October 23, 2002
P. J. Dorsey's Restaurant, Syracuse, NY

Introduction

Welcome to the Central New York Bankruptcy Bar Association ECF seminar for attorneys and their support staff. I would like to thank the Bar Association, especially Eric Charlton, Michele Marans and the board members, for inviting Dina Ventura, Tom Zdanowicz, and myself to speak to you about the court's new case management system and electronic case filing also known as CM/ECF.

Our goals for today's program are to:

- ✓ Present an overview and demonstration of the electronic case filing program from your perspective, our external user.
- ✓ Give you some tips on how you can prepare for ECF.
- ✓ Take some time to answer your questions.

How much time do you spend looking for misplaced paper documents or files?

Barbara Hemphill, founder of Hemphill Productive Institute and author of "Taming the Paper Tiger at Work," states that the average person spends 150 hours a year looking for misplaced information. Companies spend millions of dollars training employees in time management, teamwork, and customer service. Yet the best training in the world does not make a difference if you cannot find the information you need.

One of the main benefits of ECF is the easy access to the information you need to do your job. Court documents will be easily accessible on-line 24 hours a day, seven days a week. The same documents can be simultaneously viewed by our judges and case administrators as well as by you. You will no longer have to come to the public counter to review hearing papers and hear that they are unavailable.

You may have heard the phrase "the paperless court." We do not plan to be "paperless" but we will be using less paper. The video that you will be seeing shortly will emphasize additional benefits of electronic case filing.

How can you plan and get ready for ECF?

In the Federal Judiciary, strategic planning is a major part of our administrative staff's time. For example, disaster recovery planning is utmost on our list. We remember the "Year 2000". The court began planning for Y2K in 1996. The basis for our plan was to present as many different scenarios of what could happen on January 1, 2000 and then develop a resolution for each. We really did not know what was going to happen, but we had to be prepared for anything.

However, our planning for CM/ECF has taken a different approach. The strategic planning team for Shell Oil in London has developed a new approach to scenario planning called TINA (T - I - N - A). This acronym stands for "There Is No Alternative." Basically, this statement means "here is what we know about the future, now let's go out and meet it." Uncertainties are inevitable, but some forces are unstoppable.

I feel that we can apply this theory of planning to CM/ECF. The internet and electronic filings are in our future, not only on the Judiciary's level, but on all federal, state, and local government levels. We can electronically file our IRS tax returns and renew our car's registration with the Department of Motor Vehicles. We need to manage the challenges that electronic filing will present and grasp the opportunities that it affords us.

Here are a few challenges that we know you will face with the implementation of electronic case filing:

- To apply for an ECF login and password, a filer will need to register a credit card with the court so that any statutory fees can be charged to it. Does your office have a credit card account that can be used for this purpose?
- To file your documents electronically, you will need to have software that will convert your word processing files to a portable document format or ".pdf" and have access to the internet. Does your office have the appropriate hardware, software, and internet access?
- When you file a petition through ECF, an electronic receipt will be e-mailed back to you. Does your office want to establish one electronic mailbox to receive these notices?
- If you are a registered user in our ECF program, then you are also agreeing that you will accept electronic service of all documents. Your office will begin to see less paper mail, however, your electronic mail will increase. Therefore, you may not have as many employees at a mail desk opening mail but at a computer. How will your office manage and route this mail?
- As many of your documents will be stored electronically, do you have a recovery plan in place or a way of accessing these documents when your computer is down?

Our anticipated “live” date is January 2, 2003. Take the next two months to answer these questions as well as others that you may hear today. Remember that the “TINA” theory means weaving the unknown around the known. The known is that CM/ECF is being implemented in our district as well as in all bankruptcy and district courts; the unknown is how are you going to effectively implement it and use it in your offices.

As you are finishing your lunch, I would like you to view the video from the Administrative Office of the U. S. Courts, entitled “CM/ECF: The Attorneys’ Perspective.

Please jot down your questions as you view the video and watch our demonstration of ECF for later in the program. We may not have all the answers today, however, your questions will make us aware of your concerns. Our judges, clerk, and chief deputy are working on the administrative order that will amend our local rules for electronic filing. And our CM/ECF project teams are reviewing our current procedures to see how or if CM/ECF will affect them. We will continue to do our best to address your unanswered questions and concerns over the next few months.

Closing

Dina, Tom, and I have given you a lot of information this afternoon. We have also provided you with many handouts for you to take back to your office and share with other staff members. Do not let them sit on your desk until December 31, be proactive. These handouts are your first set of training materials. The more time you take to plan and prepare for ECF, the easier and less stressful your transition will be. And remember we will be there to help you along the way.

Here are a few things that you can begin doing:

- ★ Complete and return the court’s readiness survey, if you have not already done so. These surveys will help us prepare our training curriculum for you.
- ★ Review the hardware and software requirements’ documentation and ensure that your office is ready. If you use a commercial bankruptcy petition software package, check to see if you have the latest version. Many of these companies have worked directly with the courts to make their product compatible with ECF.
- ★ Check your internet connection; is it adequate for the volume of filing your office will be doing?
- ★ Review how your office does business. For example, look at your current procedure for preparing and filing a bankruptcy petition. Now, after having seen our demo, think about how your workflow will be affected if you can file that petition electronically.

- ★ Set up an electronic mailbox for receiving notices and develop a procedure for handling the e-mail.
- ★ Check the court's website, www.nynb.uscourts.gov, on a regular basis. It is our best means of getting information to you not only for this project but for other changes in the court. We plan to post the attorney login and password registration forms. Once your application for the login and password is accepted, we will schedule you and any staff members that you would like trained.
- ★ Visit the Administrative Office of the U. S. Courts' website, www.uscourts.gov. It offers additional information regarding electronic case filing on the national level as well as other topics affecting the Federal Judiciary.
- ★ Check to see if your office has a MasterCard, VISA, Discover, Diner's Club or American Express account that may be registered with the court for ECF.
- ★ Ensure that your users have a PACER account.

How many of you already file documents electronically in other districts?

These people are some of your best resources for information. Our court was assigned a mentor court last November. Texas Western is there to tell us what went well with their transition and what did not. Our offices may not operate exactly the same but they have been a valuable resource of information and encouragement.

Your colleagues that are using ECF can be your mentors. Take the time to get their names, email addresses, and phone numbers before you leave today. Also, our office telephone numbers are listed on your agenda, please feel free to contact us with any questions.

CM/ECF is our future, by working together we can make it a success in our district. Dina, Tom, and I are available if you would like to come up and speak with us or if you would like an up-close view of the software.

We would also like to thank you for taking the time to attend this program and being part of the CM/ECF project for the Northern District of New York.